

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.14334 of 2016

M.Gnanasoundari

... Petitioner

Vs.

1. The Principal Secretary to Government,
Environment and Forests Department,
Fort St. George, Chennai 600 009.
 2. The Principal Chief Conservator of Forests,
Panagal Maligai, Saidapet,
Chennai 600 015.
 3. The District Forest Officer,
Thiruvannamalai Division,
Thiruvannamalai.
 4. The Conservator of Forest,
Vellore Circle, Vellore.
- Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for Writ of Certiorarified Mandamus, to call for the records of the 4th respondent, pertaining to the impugned proceedings in Na.Ka.Pa3/5434/2015, dated 13.04.2015, quash the same and consequently, direct the 4th respondent to provide appointment to the petitioner on compassionate grounds. सत्यमेव जयते

For Petitioner : Mr.R.Senthil Kumar

For Respondents: Mr.N.Inbanathan,
Government Advocate (Forest)

O R D E R

One Mrs.M.Gnanasoundari has come to this Court, challenging the order of the 4th respondent, dated 13.04.2015, rejecting her claim for appointment on compassionate grounds.

2. It is the case of the petitioner that her father had served in the Forest Department as Junior Assistant and while he was working at Arani Circle Range, he died due to heart attack on 09.07.1999, leaving behind herself and her mother, as his legal heirs. As she studied upto 12th Standard and jobless, she made a representation to the concerned authorities, seeking for compassionate appointment, on the ground that she was a deserter. As there was no response, she has come to this Court, by way of W.P.No.14782 of 2007 and this Court, by order, dated 16.02.2012, directed her to make an appropriate application, with proof of her present status of being a deserted woman and further, directed the respondents to consider her case, on the ground that there cannot be any discrimination between the married daughter and married son.

3. Pursuant to the abovesaid order, the 3rd respondent has forwarded a proceedings in Na.Ka.No.4010/2007/Pa-1, dated 23.04.2012, to the 4th respondent and directed the petitioner to appear before the 4th respondent on 20.05.2012. Accordingly, on the said date, the petitioner has appeared before the 4th respondent, along with the necessary documents. Again the 4th respondent has failed to consider the request of the petitioner, to provide employment on compassionate grounds.

4. Thereafter, the petitioner has approached this Court in W.P.No.31018 of 2014, seeking direction to the 4th respondent to pass appropriate orders, regarding her appointment on compassionate grounds and this Court, vide order, dated 27.11.2014, has directed the 4th respondent to pass appropriate orders, within a stipulated time. However, the 4th respondent, vide impugned proceedings, dated 13.04.2015, has rejected the claim of the petitioner, on the ground that she got married on 31.01.1999, which is beyond the cut-off date, i.e., on 29.11.2001, prescribed in G.O.Ms.No.96, Labour and Employment (Q1) Department, dated 18.06.2012.

5. Taking support from the order passed by this Court in W.P.No.20437 of 2015, dated 09.07.2015 [A.Vimala v. The Secretary to Government, Labour and Employment Department, Chennai], wherein, this Court has quashed Paragraphs 3 and 4 of G.O.Ms.No.96, Labour and Employment (Q1) Department, dated 18.06.2012, insofar as fixing 29.11.2001, as the cut-off date, Mr.M.R.Senthil Kumar, learned counsel for the petitioner would submit that the cut-off date mentioned in G.O.Ms.No.96, is arbitrary, illegal and unconstitutional.

Heard the learned counsel for the parties and perused the materials available on record.

6. Though the petitioner has contended that she got married on 31.01.1999, ie., before the demise of her father,

ie., on 09.07.1999 and therefore, her claim for employment on compassionate grounds, should be considered, this Court is not able to find out any merits in this writ petition, for more than two reasons.

7. Firstly, it is the admitted case of the petitioner that she got married on 31.01.1999, before her father died in harness, due to heart attack on 09.07.1999. Though the petitioner has contended that she is still entitled to get compassionate appointment, which is meant, for those, who are really in need of helping hand, to tide over the sudden crises, resulting due to death of the breadwinner of the family, having got married on 31.01.1999, she got her independent supporting person, who is her husband. Therefore, the loss of her father, subsequent to the marriage, cannot be taken as loss of livelihood.

8. Secondly, earlier when the petitioner has come to this Court, by way of W.P.No.14782 of 2007, it was her case that she was deserted by her husband, from May' 2000, after her marriage and therefore, this Court, in its order, dated 16.02.2012, has made it clear that she should make an appropriate application, along with the proof of the fact that she being the deserted woman.

9. Today, Mr.R.Senthil Kumar, learned counsel for the petitioner fairly submitted that after desertion, she got re-union, which shows that the benefit granted by this Court, in an earlier occasion, is wiped up and therefore, the earlier order of this Court is not squarely applicable to the case of the petitioner.

10. In view of the above, this Court finds no merits in the writ petition and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

skm

To

1. The Principal Secretary to Government,
Environment and Forests Department,
Fort St. George, Chennai 600 009.

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2. The Principal Chief Conservator of Forests,
Panagal Maligai, Saidapet,
Chennai 600 015.

3. The District Forest Officer,
Thiruvannamalai Division,
Thiruvannamalai.

4. The Conservator of Forest,
Vellore Circle, Vellore.

1 CC to Mr.M.R.Senthilkumar, Advocate, sr.24293

1 cc to Special Government Pleader, sr.24439

W.P.No.14334 of 2016

ks co

kra 24.05.2016



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